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FAX COVER SHEET

TO	Commissioner for Patents
COMPANY	USPTO
FAX NUMBER	17033086459
FROM	Andy Arismendi
DATE	2003-08-18 15:41:56 GMT
RE	A/N: 09/269,518

COVER MESSAGE

Petition under 37 CFR 1.181 (no fee)

Attn: Paralegal Specialist: Nguyen Ngoc-Ho

Ph: 703-308-6508

57 pages (including fax coversheet)

RECEIVED

18 AUG 2003

Leyai তাষ্ট্ৰা International Division Thereby sering the this correspondence is eine gepointent the United Sine Parmang
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Parents P (1804) 18 (2013) 18 (20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

David Peter Fenner et al.

APPLICATION NO.: 09/269,518

FILED: 02 April 1999

TITLE: Fan Rotor

Box PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 GROUP ART UNIT: unknown

EXAMINER: unknown

ATTY. DKT. NO.: 34703.00006

PETITION UNDER 37 CFR§ 1.181

Dear Sir:

In response to the Request for Status faxed 01 August 2003, referencing the above-identified matter, we received a response from Paralegal Specialist Nguyen Ngoc-Ho mailed 12 August 2003 (Exhibit 1). In said response, Mr. Ho has requested we file a Petition under 37 CFR 1.181 for acceptance of copies of all papers submitted on 30 March 2001 and on 15 June 2001, including evidence of receipt in the Office of these papers. Per telephone conference between Mr. Arismendi and Mr. Ho on 15 August 2003, Mr. Ho indicated that no fees would be due for filing such a petition.

Per such request, we hereby file this Petition for acceptance of true and accurate copies of all papers submitted on 30 March 2001 (Exhibit 2) and on 15 June 2001 (Exhibit 3), including evidence of receipt in the Office of these papers. Such copies are submitted herewith.

Respectfully submitted by,

Date: 18 Aug 17 2003

A.M. (Andy) Arismendi, Jr.

Reg. No. 31,715

A.M. (Andy) Arismendi, Jr., PC

P.O. Box 35512

Houston, TX 77235-5512 Telephone: 713-256-3773 Facsimile: 281-754-4386

EXHIBIT 1

Response to Status Inquiry mailed 12 August 2003.



12 AUG 2003 United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

A.M. Andy Arismendi, Jr. Post Office Box 35512 Houston, Texas 77235-5512

Dear Mr. Arismendi:

This is in response to your letter received 01 August 2003 inquiring about the status of the Response to the Notification of Missing Requirements in U.S. patent application 09/269,518 filed by facsimile on 30 March 2001 and by "Express Mail" on 15 June 2001. A review of the application file indicates that both submissions mentioned above are not matched with the file at this time. Should prosecution of the application be desired, applicant should file a Petition under 37 CFR 1.181 for acceptance of copies of all the papers submitted on 30 March 2001 and on 15 June 2001, including evidence of receipt in the Office of these papers. The papers should be accompanied by a statement from the attorney that the copies submitted with the petition are true copies of what was filed and of the postcard as returned by the USPTO. The Petition may be filed by facsimile to the PCT Legal Office at (703) 308-6459.

Sincerely,

Nguyên Ngoc-Hô Paralegal Specialist PCT Legal Office

Negresia Ngon HS

Tel: (703) 308-6508

EXHIBIT 2

Papers submitted 30 March 2001 with Transmission Verification Report:

- 1. Transmission Verification Report
- 2. Fax Coversheet
- 3. Communication of 30 March 2001 to Lamont Hunter (National Stage Processing) with following attachments:
 - I. Notification of Missing Requirements mailed 01 June 1999
 - II. Response to Notice to File Missing Parts of Application (Express Mail EL 357 877 986 US).
 - A. Declaration & Power of Attorncy
 - B. Statement Claiming Small Entity Status
 - C. Check for \$65.00
 - D. Return Postcard
 - III. Petition to Withdraw Holding of Abandonment with following attachments:
 - A. Notification of Missing Requirements mailed 01 June 1999
 - B. Notification of Defective Oath or Declaration mailed 01 June 1999
 - C. Response to Notice to File Missing Parts of Application (Express Mail EL 357 877 986 US).
 - D. Copy of Return Postcard
 - E. Copy of letter transferring case from Jenkens & Gilchrist to Mr. Arismendi
 - F. Notice of Abandonment
 - G. Copy of docket report printed 22 July 1999.
 - IV. Copy of return postcard for petition to withdraw holding of abandonment
 - V. Decision on Petition to Withdraw Holding of Abandonment
 - VI. Notification of Missing Requirements mailed 15 March 2001
 - VII.Revocation of Powers of Attorney and New Power of Attorney

TR/ 1ISSION VERIFICATION REPORT

TIME : 03/30/2001 15:30

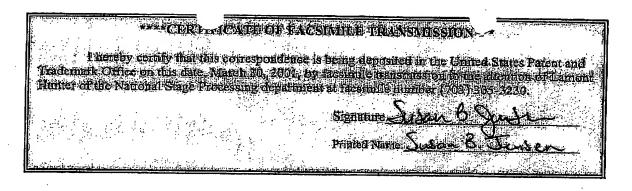
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LUNDEEN & ARISMENDI, LLP P.O. Box 131144 Houston, Texas 77219-1144 Phone: (713) 652-2555 Facsimile (713) 652-2556

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

David FENNER, et al.

APPLICATION NO.: 09/269,518

FILED: April 9, 1998

TITLE: Fan Rotor

Box PCT Commissioner for Patents Washington, D.C. 20231

ATTN: National Stage Processing: Lamont Hunter

Dear Sir:

Per your telephone conversation with Susan Jensen of our office referencing the above-identified matter, enclosed are true and accurate copies of the Response to the Notification of Missing Requirements dated June 1, 1999, Petition to Withdraw Holding of Abandonment, Decision (Granted) on Petition to Withdraw Holding of Abandonment, the most recent Notification of Missing Requirements, and our Power of Attorney.

Should you have any questions or require additional information, please feel free to contact me at (713) 652-2555.

Respectfully submitted by,

GROUP ART UNIT: unknown

ATTY. DKT. NO.: 34703.00006

EXAMINER: unknown

Date: manes 30, 200;

A.M. (Andy) Arismend, Jr.

Reg. No. 31,715

A.M. (Andy) Arismendi, Jr. Lundeen & Arismendi, LLP P.O. Box 131144

Houston, TX 77219-1144 Telephone: 713-652-2555 Facsimile: 713-652-2556



UNITED STATES DEF RIMENT OF COMMERCE
Patent and Trademark. Ace
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

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Serial Number: 09/269,518 Inventor: Fenner, et al. Auy. Docket No. 34703.00006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Fenner, et al.) Group Art Unit:
Application No. 09/296,518))
Filed: April 2, 1999	Examiner: (unassigned)
Title: FAN ROTOR Attorney Docket No. 34703, 00006	EL357877986US

Assistant Commissioner for Patents BOX PCT Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CERT.10

Thereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Address Mail Post Office

U.S. Postal Service "Express Mail Post Office to Addressee" service, "EXPRESS MAIL" Mailing Label No. El. 357877986US on the date indicated below and is addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231

ALANE THIRLE Registration No. 30:694

Attance of Agent

Signature

Serial Number: 09/269,518 Inventor: Fenner, et al. Atty. Docket No. 34703.00006

Sir:

This reply is to a Notification of Missing Requirements under 35 U.S.C. 371-(PCT/DO/EO/905) mailed June 1, 1999. A copy of the Notice is enclosed.

Below is a Statement by the undersigned registered agent that the application filed in the PCT is the application which the inventor executed by signing the attached Declaration.

I. DECLARATION OR OATH

A Declaration was filed with the original application but was not executed. Enclosed is a Declaration (with original signatures) for this application.

II. SMALL ENTITY STATUS

A Verified Statement that this filing is by a small entity was filed with the original application but not executed. Enclosed is a signed Verified Statement by the assignee for this application. A copy of the Assignment is also enclosed.

III. COMPLETION FEES

Surcharge fees: Late filing of original Declaration or Oath per 37 C.F.R. §1.16(e) - \$130.00; small entity - \$65.00. Total completion fees is \$65.00.

IV. EXTENSION OF TIME

An extension of time for the filing of this completion document is not required.

V. TOTAL FEES DUE

Completion fee \$65.00

Extension Fee (if any) \$ 0.00

Total fees due \$65.00

Serial Number: 09/269,518 Inventor: Fenner, et al.

Atty. Docket No. 34703.00006

VI. PAYMENT OF FEES

Enclosed is a check in the amount of \$65.00 to cover Completion and Extension Fees.

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper during the pendency of this application to Account No. 10-0447.

Respectfully submitted, JENKENS & GILCHRIST A Professional Corporation

July 1, 1999

Date

Alan R. Thiele

Reg. No. 30,694 Patent Attorney

Tele: (Voice)

(210) 246-5657

(Facsimile)

(210) 246-5999

STATEMENT BY AGENT THAT APPLICATION FILED IN PATENT & TRADEMARK OFFICE IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION

I hereby state that I am an agent for this application and that the application identified above is the application which the inventor executed by signing the Declaration that is being submitted herewith.

Respectfully submitted, JENKENS & GILCHRIST A Professional Corporation

Alan R. Thiele, Reg. No. 30,694

DOCKET NO.: 34703.00006

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type: National Stage of PCT.

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>FAN ROTOR</u> the specification of which:

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_	was filed onamended on	as PCT International A (if applicable).	Application No and	d was
		(ir applicable).		

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country:

Great Britain

Application No.:

9622361.5

Filed:

28 October 1996

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT International application (s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or prior PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which occurred between

IPSA:3758.1 34703-00006

the filing date of the prior application and the national or PCT international filing date of this application:

PCT INTERNATIONAL APPLICATION

Application No.

Filed

PCT/GB97/02940

27 October 1997

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

JEFFERY E. BACON Reg. No. 35,055 THOMAS L. CANTRELL Reg. No. 20,849 THOMAS L. CRISMAN Reg. No. 24,846 STUART D. DWORK Reg. No. 31,103 H. MATHEWS GARLAND Reg. No. 19,129 J. KEVIN GRAY Reg. No. 37,141 STEVEN R. GREENFIELD Reg. No. 38,166 KEVIN HANSBRO Reg. No. 38,485 PAT HEPTIG Reg. No. 40,643 CRAIG A. HOERSTEN Reg. No. 38,917 JOHN R. KIRK JR. Reg. No. 24,477 PETER J. MANSO Reg. No. 32,264 ROGER L. MAXWELL Reg. No. 31,855 ROBERT A. McFALL Reg. No. 28,968 LISA H. MEYERHOFF Reg. No. 36,869 STANLEY R. MOORE Reg. No. 26,958 RICHARD J. MOURA Reg. No. 34,883 MARK V. MULLER Reg. No. 37,509 P. WESTON MUSSELMAN JR. Reg. No. 31,644 ALAN R. THIELE Reg. No. 30,694 TAMSEN VALOIR Reg. No. 41,417 RAYMOND VAN DYKE Reg. No. 34,746 BRIAN D. WALKER Reg. No. 37,751 GERALD T. WELCH Reg. No. 30,332

of the firm of JENKENS & GILCHRIST, P.C., 3200 Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2799

and

Address all telephone calls and correspondence to:

Alan R. Thiele Jenkens & Gilchrist, P.C. 3200 Fountain Place 1445 Ross Avenue Dallas, Texas 75202-2799 Telephone: (210) 246-5657 Facsimile: (210) 246-5999

Atty. Docket No. 34703.00006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	David Fenner	David Jenne	25/5/99
	First Name	Inventor's Signature	Date
1	Residence	Beeches, Durley Brook Road, Durley Southampton, Hampshire, SO32 2AR UK	Citizenship
	Post Office Address	As Above	·
	Christopher Lack	Chrotopoly Level	25/5/95
	Full Name	Inventor's Signature	Date
2	Residence	64 Woodham Park Road, Woodham Nr. Weybridge, Surrey, KT15 3SP UK	Citizenship
	Post Office Address	As Above	



Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of * "5, no persons are required to respond to a collection of i ration unless it displays a valid OMB control number. STATEMENT CLAIMING SMALL ENTITY STATUS Docket Number (Optional) (37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN 34703-00006 David Fenner, et al. Applicant, Patentee, or Identifier. Application or Patent No.: 09/269,518 Filed or Issued: April 2, 1999 FAN ROTOR Title: I hereby state that I am the owner of the small business concern identified below: an official of the small business concern empowered to act on behalf of the concern identified below: NAMEOFSMALLBUSINESSCONCERN Elta Fans Limited ADDRESS OF SMALLBUSINESS CONCERN 15 Barnes Wallis Road, Segensworth East Industrial Estate, Fareham, Hants P0155BT I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416. I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in: the specification filed herewith with title as listed above. the application identified above. the patent identified above. If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). Each person, concern, or organization having any rights in the invention is listed below: I no such person, concern, or organization exists. each such person, concern, or organization is listed below. Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27) I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)) David Peter Fenner NAME OF PERSON SIGNING TITLE OF PERSON IF OTHER THAN OWNER Engineering Director Beeches, Durley Brook Road, Durley, Southampton ADDRESS OF PERSON SIGNING Hants, SO32 2AR U.K. SIGNATURE David Peter DATE _ <u>25</u>-5-99

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INTELLECTUAL PROPERTY

JUL 1 9 1999

JENKENS & GILCHRIST

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Applicant Dariel Fenner et al.	SOUL MOUSE AND ADDRESS KNOCKIDI. Obi
Attorney/Agent: Alon R. Thiele	
	12.
Date Mailed: 7/1/99 Dur	No.: 34703-0006
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Small Entity

Missing Parts

Express Mail Label No. EL 596 200 659 US

Practitioner's Docket No. 34703.00006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David FENNER, et al.

EL596200659US

Application No. 09/269,518

**

Filed:

April 2, 1999

For:

Fan Rotor

Group No. (Unknown)

Examiner: (Unknown)

Ę

Box PCT Assistant Commissioner for Patents Washington, D.C. 20231

Attn: PCT Legal Department

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants request withdrawal of the holding of abandonment of the above-identified application based on fact that a response to the notification of Missing Requirements (Form PCT/DO/BO/905) was filed on July 1, 1999.

CERTIFICATION OF EXPRESS MAILING

I hereby certify that this Petition to Withdraw Holding of Abandonment and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date <u>July 3, 2000</u>, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number <u>EL 596 200 659 US</u>, addressed to the: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, Atm. PCT Legal Department.

A. M. (Andy) Arismendi, Jr.
(type or print name of person mailing paper)

W&R00021

34703-00006

Petition to Withdrawal of Holding of Abandonment - Page 1 of 3

Express Mail Label No. EL 596 200 659 US

The application was filed April 2, 1999 by Mr. Alan Thiele of Jenkens & Oilchrist.

On June 1, 1999, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed from the USPTO (copy attached as "A").

On June 7, 1999, it was received by Jenkens & Gilchrist in its Dallas office together with a Notification of Defective Oath or Declaration (Form PCT/DO/EO/917) (copy attached as "B").

On July 1, 1999, Mr. Thiele filed a response (copy attached as "C") to the notification of Missing Requirements together with the executed declaration and the completion fee. This response was filed by Express Mail. A copy of the return postcard (received by Jenkens & Gilchrist on July 19, 1999) is also included herewith as "D".

On July 27, 1999, this case was transferred from Jenkens & Gilchrist to Mr. Arismendi for further prosecution on instructions of the client. (Copy of the transfer letter attached as "E".)

On March 27, 2000, the Notification of Abandonment (Copy attached as "F") was mailed to the Dallas office of Jenkens & Gilchrist.

On March 30, 2000, it was received by Jenkens & Gilchrist in Dallas.

On June 27, 2000, it was forwarded to Mr. Arismendi.

On June 30, 2000, it was received by Mr. Arismendi.

On July 3, 2000, Mr. Arismendi filed this Petition.

A copy of the docket report printed on July 22, 1999 (copy attached as "G") reflects the filing of the response to the notice to file missing parts (i.e., notification of Missing Requirements) on July 1, 1999.

Accordingly, in view of the foregoing and the fact that a response was timely filed, Applicants respectfully request that the holding of abandonment be withdrawn.

Express Mail Label No. EL 596 200 659 US

CHANGE OF CORRESPONDENCE ADDRESS

Please send all correspondence to:

A.M. (Andy) Arismendi, Jr. Lundeen & Arsimendi, LLP P.O. Box 131144 Houston, Texas 77219-1144

Ph: 713-652-2555 Fax: 713-652-2556

Respectfully submitted,

A.M. (Andy) Arismendi, Jr. Reg. No. 31,715

Lundeen & Arsimendi, LLP P.O. Box 131144 Houston, Texas 77219-1144

Ph: 713-652-2555 Fax: 713-652-2556

Date: July 3, 2000

W&R00021

34703-00006

Petition to Withdrawal of Holding of Abandonment - Page 3 of 3



JUNITED STATES DEF' RT 'ENT OF COMMERCE

Patent and Trademark fr._.

Address: ASSISTANT COMMISSIONER FOR PATENTS Box PCT Washington, D.C. 20231

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U.S. APPLICATION NO.	l	FIRST NAMED APPLICANT		ATTY. DOCKET NO.
09/269,518	FENNER		D	34703-00006
			INTERNATIONAL A	
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ALAN R THIELE	5613	\	PCT/G	B97/02940
JENKENS & GILCHRIS	RT.	1.4.	FILING DATE	PRIORITY DATE
3200 FOUNTAIN PLACE		1		
1445 ROSS AVENUE	,		10/27/97	10/03/96
DALLAS TX 75202				
		DATE MAIL	3D;	06/01/99
NOTIFICATION OF MIS	SING REQUIREMENT	rs under 35 u.s	s.C. 371 IN	THE UNITED
STATES	DESIGNATED/ELEC	TED OFFICE (DO)/EO/US)	
. The following items have been		the IB to the United St	tates Patent ar	nd Trademark
	Office (37 CFR 1.494),			,
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Oath or Declaration of inve	entors(s) for DO/EO/US.		JENK	ens & Gilchkist
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. The following items MUST be	furnished within the period s	et forth below in order	to complete th	he requirements for
cceptance under 35 U.S.C. 371:	•			
a. Translation of the applic	ation into English. Note a pr	oceasing fee will be rec	quired if subm	itted
later than the appropriat	e 20 or 30 months from the p	riority date.		- 6 D - Constitue
	lation is defective for the reas	ons indicated on the att	BEDEC MODE	or Defective
Translation. [] b. Processing fee for provi	ding the translation of the aut	dication and/or the Ant	eves later that	t the .
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c. Oath or declaration of the	e inventors, in compliance w	ith 37 CFR 1.497(a) an	id (b), identify	ing the application
by the International appl	ication number and internatio	nal filing date.		•
The current oath	or declaration does not compl	y with 37 CFR 1.497(a) and (b) for t	the reasons indicated
on the attached P	CT/DO/EO/917.			A
d. Surcharge for providing	the oath or declaration later	that the appropriate 20	ot 30 months	mom me
priority date (37 CFR I	,492(e)).	awall antity I alw	Idina ami rami	ired multiple
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all of the items set for	TH IN 2(a)-2(d) AND 3 AB	OVE MUST BE SUB!	WITTED WI	THIN ONE
MONTH FROM THE DATE OF	THIS NOTICE OR BY	21 OR 133 MONTE	IS FROM TE	IE PRIORITY
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PESTITE IN ABANDONMENT.	•			

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

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Patent and Trademark Office

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Address: ASSISTANT COL Washington, D.C. 20231

U.S. APPLICATION NO.	PIRST NAMED APP	TA. THADLE	TY, DOCKET NO.
09/269,518	FENNER	D	34703-00006
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ALAN R THIELE JENKENS & GILCHRIST	INTELLECTUAL PROPERTY	PCT/GB97/02940	
3200 FOUNTAIN PLACE	JUN 0 7 1999	I.A. FILING DATE	PRIORITY DATE.
1445 ROSS AVENUE DALLAS TX 75202	JENKENS & GILCHRIST	10/27/97 0	10/03/96 6/01/99
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NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

2.	not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. oes not identify the specification to which it is directed. oes not identify the inventor(s). oes not identify the citizenship of each inventor. oes not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is laimed and for which a patent is sought.
1 407(0)	RE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER ATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.
Addition	nally, the oath or declaration does not comply with 37 CFR 1.63 in that it:
1. 🗆	does not identify the city and state or city and foreign country of residence or each inventor.
2. 🗀	does not state that the person making the oath or declaration:
, a. [has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
Ն. [acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. 🗖	does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. 🔲	does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which

Serial Number: 09/269,518 Inventor: Fenner, et al. Any. Docket No. 34703.00006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Fenner, et al.)	Group Art Unit:
)	•
Application No. 09/296,518)	
)	Examiner: (unassigned)
Filed: April 2, 1999)	•
)	
Title: FAN ROTOR)	
Attorney Docket No. 34703, 00006)	EL3578779ALUS
		01067746116

Assistant Commissioner for Patents BOX PCT Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

CERTIFICACIO OF MATERICADE EXPRESS MAIL UNDER SCREET

Phorebly periffy that this paper or fix it being deposited with the U.S. Phital Browler "Express Mail Post Office to Addresses" survice, "EXPRESS MAIL" Mailing Label No. El 350871986985 on the date indicated below and is soldressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231

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IPSA:4891.1 34703-00001

Serial Number: 09/269,518 Inventor: Penner, et al. Atty. Docket No. 34703.00006

Sir:

This reply is to a Notification of Missing Requirements under 35 U.S.C. 371-(PCT/DO/EO/905) mailed June 1, 1999. A copy of the Notice is enclosed.

Below is a Statement by the undersigned registered agent that the application filed in the PCT is the application which the inventor executed by signing the attached Declaration.

I. DECLARATION OR OATH

A Declaration was filed with the original application but was not executed. Enclosed is a Declaration (with original signatures) for this application.

II. SMALL ENTITY STATUS

A Verified Statement that this filing is by a small entity was filed with the original application but not executed. Enclosed is a signed Verified Statement by the assignee for this application. A copy of the Assignment is also enclosed.

III. COMPLETION FEES

Surcharge fees: Late filing of original Declaration or Oath per 37 C.F.R. §1.16(e) - \$130.00; small entity - \$65.00. Total completion fees is \$65,00.

IV. EXTENSION OF TIME

An extension of time for the filing of this completion document is not required.

V. TOTAL FEES DUE

Completion fee

\$65.00

Extension Fee (if any)

\$ 0.00

Total fees due

\$65.00

IPSA:4891.1 34703-00001

Scrial Number: 09/269,518 Inventor: Fenner, et al. Atty. Docket No. 34703.00006

VI. PAYMENT OF FEES

Enclosed is a check in the amount of \$65.00 to cover Completion and Extension Fees.

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper during the pendency of this application to Account No. 10-0447.

> Respectfully submitted, JENKENS & GILCHRIST A Professional Corporation

Date

Alan R. Thiele

Reg. No. 30,694 Patent Attorney

Tele: (Voice)

(210) 246-5657

(Facsimile)

(210) 246-5999

STATEMENT BY AGENT THAT APPLICATION FILED IN PATENT & TRADEMARK OFFICE IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION

I hereby state that I am an agent for this application and that the application identified above is the application which the inventor executed by signing the Declaration that is being submitted herewith.

> Respectfully submitted. JENKENS & GILCHRIST A Professional Corporation

Alan R. Thiele, Reg. No. 30,694

IPSA:4891.1 34703-00001

DOCKET NO.: _34703,00006_

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type: National Stage of PCT.

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FAN ROTOR the specification of which:

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_	13	aua		~ 12	CIEW.

_	was filed on	as PCT International	Application No.	_ and	พร
	amended on	(if applicable).			***

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country:

Great Britain

Application No.:

9622361.5

Filed:

28 October 1996

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT International application (s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or prior PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which occurred between

IP8A:3758.1 34703-00006

the filing date of the prior application and the national r PCT international filing date of this application:

PCT INTERNATIONAL APPLICATION Application No.

Filed

PCT/GB97/02940

27 October 1997

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

JEFFERY E. BACON Reg. No. 35,055 THOMAS L. CANTRELL Reg. No. 20,849 THOMAS L. CRISMAN Reg. No. 24,846. STUART D. DWORK Reg. No. 31,103 H. MATHEWS GARLAND Reg, No. 19,129 J. KEVIN GRAY Reg. No. 37,141 STEVEN R. GREENFIELD Reg. No. 38,166 KEVIN HANSBRO Reg. No. 38,485 PAT HEPTIG Reg. No. 40,643 CRAIG A. HOERSTEN Reg. No. 38,917 JOHN R. KIRK JR. Reg. No. 24,477 PETER J. MANSO Reg. No. 32,264 ROGER L. MAXWELL Reg. No. 31,855 ROBERT A. McFALL Reg. No. 28,968 LISA H. MEYERHOFF Reg. No. 36,869 STANLEY R. MOORE Reg. No. 26,958 RICHARD J. MOURA Reg. No. 34,883 MARK V. MULLER Reg. No. 37,509 P. WESTON MUSSELMAN JR. Reg. No. 31,644 ALAN R. THIELE Reg. No. 30,694 TAMSEN VALOIR Reg. No. 41,417 RAYMOND VAN DYKE Reg. No. 34,746 BRIAN D. WALKER Reg. No. 37,751 GERALD T. WELCH Reg. No. 30,332

of the firm of JENKENS & GILCHRIST, P.C., 3200 Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2799

and

Address all telephone calls and correspondence to:

JPSA:3758.1 34703-00006

Alan R. Thiele
Jenkens & Gilchrist, P.C.
3200 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2799
Telephone: (210) 246-5657
Facsimile: (210) 246-5999

Atty. Docket No. 34703.00006

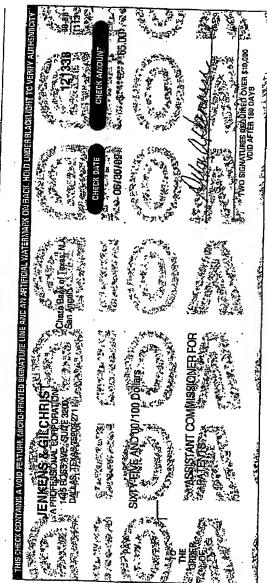
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	David Fenner	David_	Jenne	25/5/99		
	First Name	Inventor's Signatu	ire	Date		
1	Residence	Beeches, Durley Brook Road, Durley Southampton, Hampshire, SO32 2AR UK Citizenship				
	Post Office Address	As Above				
	Christopher Lack	Chrotopo	the Facel.	25/5/95		
	Full Name	Inventor's Signatu	ire	Date		
2	Residence	64 Woodhem Park Road, Woodham Nr. Weybridge, Surrey, KT15 3SP UK Citizenship				
·.	Post Office Address	As Above				

nder the Paperwork Reduction Act of the no persons are required to respond to a collection of the resion unless	B. DEPARTMENT OF COMMERCI B displays a valid OMB control number
STATEMENT CLAIMING SMALL ENTITY STATUS	Docket Number (Optional)
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN	34703-00006
Applicant Patentee or Identifier David Feomer, et al. Application or PatentNo.: 09/269,518 Filed or Issued: April 2, 1999 Title: FAN ROTOR	
I hereby state that I am the comer of the small business concern identified below. an official of the small business concern empowered to act on behalf of the concern	identified below:
NAME OF SMALL BUSINESS CONCERN_ Elta Fans Limited	·
ADDRESS OF SMALL BUSINESS CONCERN 15 Barnes Wallis Road, Segens East Industrial Estate, Fareham, Hants P0155BT	eworth
I hereby state that the above identified small business concern qualifies as a small bus 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Tradems to size standards for a small business concern may be directed to: Small Business Administ 409 Third Street, SW, Washington, DC 20416.	
I hereby state that rights under contract or law have been conveyed to and remain with identified above with regard to the invention described in:	the small business concern
the specification filed herewith with title as listed above. the application identified above. the patent identified above.	
If the rights held by the above identified small business concern are not exclusive, organization having rights in the invention must file separate statements as to their status as to the invention are held by any person, other than the inventor, who would not qualify as an 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify a under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).	amail entities, and no rights
Each person, concern, or organization having any rights in the invention is listed below no such person, concern, or organization exists. □ each such person, concern, or organization is listed below.	:
Separate statements are required from each named person, concern or organization has stating their status as small entities. (37 CFR 1.27)	aving rights to the invention
I acknowledge the duty to file, in this application or patent, notification of any change to entitlement to small entity status prior to paying, or at the time of paying, the earliest of the leasted due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.2)	non fan a- a
NAME OF PERSON SIGNING David Peter Fenner	
TITLE OF PERSON IF OTHER THAN OWNER Engineering Director	
ADDRESS OF PERSON SIGNING Beeches, Durley Brook Road, Durley, S	Southampton
SIGNATURE David Peter Dennis, SO32 2AR U.K. DATE	25 -5 - 99

Burdan Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. An comments on the amount of time you are required to complete this form should be sent to the Chief information Officer, Patent and Tredemark Office Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents Washington, DC 20231.

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Jenkens & Gilchrist	STATE	07-01-99			



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JENKENS & GILCHRIST

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Sected No.:	Arry, Docket No.: 34703-0006
Date Mailed: 7/1/99	Duc: 71/199
[] Affidavit or [] Declaration [] Application for Patent including	[] Amendment/Response To Office Action [] Brief, copies [] Assignment, check for \$ [] Assignment Recordation Cover Sheet [] Power of Altorrupy by Assignes [] Certificate of Mailing Under 37 CFR 1.8(a) [] Declaration of Antorrupy [] Drawlagr streets [] Formal or [] Informat [] Issue Fee Transmittsi [] Notice of Appeni
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Action Complete Date: 7-2 Smull Entity Missing Parts

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Jenkens & Gilchrist

1800 FROST BANK TOWER 100 WEST HOUSTON STREET SAN ANTONIO, TEXAS 78205

(210) 246-5000 TELECOPIER (210) 248-5999

WRITER'S DIRECT DIAL NUMBER (210) 248,5389

WWW.JENKENS.COM

July 27, 1999

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VIA LONE STAR OVERNIGHT

Mr. Andy M. Arismendi, Jr. Sroufe, Payne, Lundeen & D'Ambrosio, LLP 1700 West Loop Street Suite 1230 Houston, Texas 77027

Re: Transfer of Withers & Rogers Files

Dear Mr. Arismendi:

Enclosed, in accordance with Withers & Rogers request dated July 15, 1999, are the patent files which are listed as follows:

J&G REF. No.	DESCRIPTION	STATUS
34703-00002	PCT No. PCT/GB96/01965; U.S. Serial No. 09/011484 Filed: 02/10/97 Title: Fluid Impeller	Waiting for Notice to File Missing Parts
34703-00006	PCT No. PCT/GB97/02940; U.S. Serial No.: 09/269518 Filed: 04/02/99 Title: Fan Rotor	IDS is now due; Waiting for Notice to File Missing Parts

Along with the files, I have attached an Acknowledgment of Receipt. Please sign and return the Acknowledgment of Receipt at your earliest convenience.

Cordially,

Lisa Gentry,

Legal Secretary to Alan R. Thiele

IPSA:5228.1 34703-00001

F

09/269518



UNITED STATES ' ?) TMENT OF COMMERCE

Patent and Tradembok Orace
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
BOX PCT

Washington, D.C. 20231

ON ANGUSEATIONS NO. 5 1.8

FENNESST NAMED APPLICANT

ATTY. DOCUMENT NO. - 000 0 1/6

ALAN R THIELE JENKENS & GILCHRIST 3200 FOUNTAIN PLACE 5071

нтындарфарфорфорф 940

INTELLECTUAL PROPERTY

MAR 30 2000

JENKENS & GILCHRIST

MONTH DATE: 3/96

03/27/00

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495), has made the following determination:
1. Applicant's letter of express abandonment received is in compliance with 37 CFR 1.138 and is hereby acknowledged.
2. Applicant has falled to provide the full U. S. Basic National Fee by 20 months (37 CFR 1.494 (b)(2)), 30 months (37 CFR 1.495 (b)(2)).
3. Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/BO/ 005), mailed <u>OJUNE 1110</u> within the time period set therein.
A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
i. Other:
Therefore, the above identified application falled to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.494, 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Assert Henter

Telephone: (703)

Patent R cord Summary Sheet Created: 03/17/1999 Last Updt: 07/21/1999 By: KKH As Of: 07-22-1999 11:57:53 Printed: 07-22-1999 Docket#: 34703-00006USPX Country: US Client: WAR - Withers & Rogers Case Type: Regular Owner: INVT - INVENTORS/APPLICANTS Relationship: Original Filing Group: Status: 200/300 - Flied Filing Type: National Sub-Status: 210/310 - Filed Applica Agent: Filing # : Agt Ref#: SubStat Dt: 04/02/1999 Convention: Dev. Atty: ART Aseignment : Parent Ciry : WO 1st Filed: 10/28/1996 Rasp. Atty: ART Claims: 20 Parent#: PCT/GB97/02940 Parent Dt : 10/27/1997 Work Atty: ART Parelegal: Application #: 09/269518 Filed Dt: 04/02/1999 Expires: Patent #: Grant Dt: Next Tax ; Publication#: Pub Dt: Tax Base : Title: FAN ROTOR Pending Actions: Action Due Date Clarification Company Clark 1 Clerk 2 **Action Notes** STATUS-FILING RECEIPT? 10/02/1999 STATUS-REJECTION RESPONSE? 10/02/2000 Taken Actions (awaiting confirmation): Taken Due Date Clerk 1 Clerk 2 Action Notes SMALL ENTITY STATUS 07/01/1999 Completed Actions: Action Completed Taken Due Date Action Notes Clark 1 Clerk 2 Notice of Missing Parts 07/02/1999 07/01/1999 07/01/1999 Filed Notice of Missing Parts Mail Date 06/01/1999 05/01/1999 NATIONAL APPLICATION HAS BEEN 04/02/1998 04/02/1999 04/03/1999 **Prefiminary Amendment** 04/02/1999 04/02/1999 No Foreign Filing 10/28/1998

User Text :

Other Code :

Other#;

Inventors: Fenner, David

I-Pam System

DOCKET NO.	-34703 00006/A
SERIAL NO.:	30/32 0006/A
FILED:	99/207.518
APPLICANT:	AFEL 2, 1399
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UNITED STAT DEPARTMENT OF COMMERCE Patent and Tademark Office

Petent Cooperation Treaty Legal Office

> Address: Assistant Commissioner for Patents Box PCT Washington, D.C. 20231

A.M. (Andy) Arismendi, Jr. LUNDEEN & ARISMENDI, LLP P.O. Box 131144 Houston, Texas 77219-1144

In re Application of

David Peter FENNER, et al. Application No.: 09/269,518

PCT No.: PCT/GB97/02940 Int. Filing Date: 27 October 1997

Priority Date: 28 October 1996 Attorney Docket No.: 34703.00006

For: FAN ROTOR

DECISION ON PETITION

UNDER 37 CFR 1.10(e)

This is in response to the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT" filed 03 July 2000 and to the communication filed by facsimile on 22 September 2000. Both communications are being treated as a petition under 37 C.F.R. 1.10(e) to accept copies of the papers filed with the petition as being filed originally on 01 July 1999. The petition is GRANTED as follows:

No petition fee is necessary.

37 CFR 1.10(e) provides:

- (e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:
 - (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
 - (2) The number of the "Express Mail" mailing label was placed on the paper(s)

Serial No. 09/269,518

Page 2

or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

- (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
- (4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

All of the requirements under 37 CFR 1.10(e) have been submitted. The petition was filed promptly after applicants became aware that the Office had no evidence of receipt of the response to the Notification of Missing Requirements of 01 June 1999. The "Express Mail" mailing label submitted with the petition indicates a stamped date and date-in of 01 July 1999 and bears the same "Express Mail" mailing label number (i.e. "Express Mail" label No. EL357877986US) that appears on the originally deposited Response to Notice to File Missing Parts. The petition is also accompanied by a return postcard receipt showing the communication to have been received in the USPTO on 02 July 2000. Applicants' communication of 22 September 2000 states that "the copies included in the Petition to Withdraw Holding of Abandonment filed July 3, 2000 are true and accurate copies of the Response to the Notification of Missing Requirements filed on July 1, 1999." Accordingly acceptance of papers submitted with the petition as being filed 01 July 1999 is appropriate and the Notification of Abandonment of 27 March 2000 is hereby VACATED.

For the reasons above, the petition under 37 CFR 1.10(e) is GRANTED.

Accordingly, the following items filed 03 July 2000 will be treated as filed on 01 July 1999: 1) response to Notice to File Missing Part, 2) executed declaration; 3) completion fees; and 4) Statement Claiming Small Entity Status.

Serial No. 09/269,518

Page 3

A review of the application file reveals the following:

- a) The declaration filed 01 July 1999 is not properly executed and therefore is not in compliance with 37 CFR 1.497. No specification was attached to the declaration as mentioned by applicants therein. Also the declaration does not identify the citizenship of each inventor.
- b) The statement claiming small entity status submitted on 02 April 1999 was not signed, therefore applicants were required to pay the full basic national fee of \$840.00 by 28 April 1999 to avoid abandonment of the application. Since one half of that amount was paid, the remaining portion will be charged to Deposit Account No. 10-0447 as authorized in the Transmittal Letter of 02 April 1999.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision, that is a) for charging \$420 to Deposit Account No. 10-0447, and b) for issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) to inform applicants that an oath or declaration in compliance with 37 CFR 1.497 must be submitted in order to avoid abandonment of the application as to the national stage in the United States.

Boris Milef

PCT Legal Examiner

PCT Legal Office

NNH/BM:hn

Nguyên Ngoc-Hô Paralegal Specialist PCT Legal Office

Navyên Ngoz Ho

Tel: (703) 308-6508

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION: § DOCKET NO.: 34703,00006

INVENTOR(S):

David Fenner
Christopher Lack

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SERIAL NO.: 09/269,518

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FILED: April 2, 1999

GROUP ART UNIT: (unknown)

FOR: Fan Rotor

EXAMINER: (unknown)

REVOCATION OF POWERS OF ATTORNEY AND NEW POWER OF ATTORNEY

The Honorable Commissioner of Patents and Trademarks Washington, D. C. 20231

Dear Sir:

We, the undersigned applicants, hereby revoke any and all previous power(s) of attorney previously given in this case, and hereby appoint, Daniel N. Lundeen, Reg. No. 31,177, A.M. (Andy) Arismendi, Jr., Reg. No. 31,715 and Tim W. Curington, Reg. No. 45,944, of Lundeen & Arismendi, L.L.P., P.O. Box 131144, Houston, Texas 77219-1144, Telephone (713) 652-2555, Facsimile (713) 652-2556, as our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

A.M. (Andy) Arismendi, Jr. Lundeen & Arismendi, L.L.P.

P.O. Box 131144

Houston, TX 77219-1144 Telephone: (713) 652-2555 Facsimile: (713) 652-2556

Date 21 Sept., 2000

Date: 21 Jept., 2000

David Fenner

Christopher Lack

EXHIBIT 3

Papers submitted 15 June 2001 with Return Postcard:

- 1. Copy of Notification of Missing Requirements (mailed 15 March 01).
- 2. Response to Notification of Missing Requirements (Express Mail EL 677 098 461 US) with one-month extension of time.
 - I. Declaration & Power of Attorney
 - II. Statement Claiming Small Entity Status
 - III. Return Postcard

09/269518

INTELLECTUAL PROJUCTY

MAR 2 0 2001

JENKENS & GILCHRIST

U.S. APPLICATION NO. 5 18



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: ASSISTANT COMMISSIONER FOR PATENTS BOA PCT Washingmo, D.C. 2021

ALAN R THIELE JENKENS & GILCHRIST JENKENS & GILCHRIST JENESS OF STANDE 1445 ROSS AVENUE DALLAS TX 75202 FIRST HAMED APPLICANT

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	PCT70B977	02940
	LA. FILING DATE PRIDETTY DATE	_

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/RO/US)	
1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as A Désignated Office (37 CFR 1.494),	
Of an Elected Office (37 CFR 1.495):	
Copy of the international application in:	
and Breitsh tanguage.	
[] English. Trinslation of the international application into English.	
Outh or Declaration of inventors(s) for DO/EO/US.	
Copy of Article 19 amendments.	
☐ Translation of Article 19 amendments into English. ☐ The International Proliminary Examination Report in English and its Annexes, if any,	
Translation of Annexes to the International Preliminary Examination Report into English.	
Preliminary amendment(s) filed 00 1002 1999 and	
Information Disclosure Statement(s) filed and	
Assignment document. Power of Attorney and/or Change of Address.	
Substitute specification filed	
Statement Claiming Small Entity Status.	
Priority Document. George of the International Search Report George of the references cited therein.	
Other:	
the following items MUST be furnished within the period set forth below in order to complete the requirements for	
ecceptance under 35 U.S.C. 371:	
later than the appropriate 20 or 30 months from the priority date.	
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective	
Translation.	
 b. Processing fee for providing the translation of the application and/or the Annexes later that the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). 	
C. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application	
by the International application number and international filing date.	
The current eath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.	
16. Surcharge for providing the oath or declaration later that the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).	
Additional claim fees of \$ as a large entity small entity, including any required multiple	
ependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.	
ALL OF THE ITEMS SET FORTH IN 2(4)-2(4) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE	
MONTH FROM THE DATE OF THIS NOTICE OR BY 🗆 21 OR 🕞 31 MONTHS FROM THE PRIORITY	
DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.	
COSDITY TO VIDELIAY.	
The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).	
Translation of the Annexes MUST be submitted no later that the time period set above or the annexes will be	
ancelled. Note processing fee will be required if submitted later than 30 months from the priority date.	
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.495(d)) months from the priority date.	
Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)	
A copy of this notice MUST be returned with this response.	
Enclosed: PCT/DO/EO/917 Notice of Defective Translation Lamont Hudge	

Enclosed: PCT/DO/EO/917	☐ Notice of Defective		- Lamont Hu
PTO-875 FORM PCT/DO/EO/905 (December	1997)	Telephone	100 SE
	•	• •	(ASS) 355

CERTIFICATE OF EXPRESS MAILING

I berety terrify that this correspondence and the doputhents itentified as the losed therein are being deposited with the furtical States Postal Service on this date, June 15, 2001; by Express Mail (Express Mail Label No. EL677098461US), addressed to the Commissioner for Fateurs, Box PCT, Washington, D.C. 20231

Signature Synte

Susain R. Jewen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE NATIONAL STAGE APPLICATION OF

David Fenner et al.

FILED: April 2, 1999

TITLE: Fan Rotor

APPLICATION NO.: 09/269,518

ATTY. DKT. NO.: 34703.00006

EL677098461US

Commissioner of Patents Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Dear Sir:

In response to the Notification of Missing Requirements mailed March 15, 2001 for the above-identified matter, Applicants out of an abundance of caution file herewith the following documents:

- 1. Declaration and Power of Attorney executed May 30, 2001.
- 2. Surcharge under 37 CFR 1.492(e) of Sixty-five Dollars (\$65.00). The Commissioner for Patents is authorized to charge this surcharge fees associated with this communication or credit any overpayment to Deposit Account No. 501285/AMA/34703.00006.

PETITION FOR EXTENSION OF TIME

Applicants respectfully request a two-month extension of time to and including June 15, 2001, for responding to the Notification of Missing Requirements mailed March 15, 2001, with a shortened statutory period ending April 15, 2001. In accordance to 37 CFR § 1.136(a) and 37 CFR § 1.17(a)(2), a One Hundred Ninety-five Dollars (\$195.00) (small entity status) extension fee is included with this request. The Commissioner for Patents is authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 501285/AMA/34703.00006.

SMALL ENTITY STATUS

Applicants claim small entity status. Additionally, Elta Fans Limited the assignee of the present application also claims small entity status. A true and accurate copy of the Verification of Small Entity Status previously filed July 1, 1999 is filed herewith.

REQUEST FOR REFUND

Applicants request a refund of the surcharge and extension fees paid as a result of this filing.

Please note that Applicants had previously filed a response to a Notification of Missing Requirements dated mailed June 1, 1999, which included an executed Declaration and Power of Attorney executed May 25, 1999, Verified Statement Claiming Small Entity Status and the Surcharge under 37 CFR 1.492(e). A copy of each of these documents and check together with a copy of the returned postcard were provided as part of the Petition to Withdraw a Holding of Abandonment filed July 3, 2000, which was granted based on the documentation provided by the Decision dated November 2, 2000. An additional copy of these documents was provided by facsimile on March 30, 2001 per request of Mr. Lamont Hunter.

The Declaration and Power of Attorney executed May 30, 2001 reflects the Applicants current representation by counsel of our firm, rather than representation by Applicants prior counsel.

CONCLUSION

In any event, Applicants await their official filing receipt and request that examination proceed on the present application.

Should any fees be due, please charge or credit Deposit Acct. No. 501285/AMA/34703.00006.

Respectfully submitted by,

A.M. (Andy) Arismendi, Jr.

Reg. No. 31,715

A.M. (Andy) Arismendi Lundeen & Arismendi, LLP 1700 West Loop South, Ste, 1230 Houston, TX 77027

Telephone: 713-652-2555 Facsimile: 713-652-2556

DECLARATION AND POWER OF ATTORNEY

As below named inventor(s), we hereby declare	mat;
---	------

Our residence, post office address, and citizenship are as stated below next to our name.

We believe we are the original, first and sole inventor(s) of the subject matter which is claimed and for which a patent is sought on the Invention entitled: Fan Rotor the specification of which:

is attached hereto.

was filed on: April 2, 1999, as National Stage Application Serial No.09/269,518 and amended on April 2. 1999 (Preliminary Amendment).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Titl 37. Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or Inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S):

Priority Claimed

Country

Date Filed

Great Britain

28 October 1996

We hereby daim the benefit under Title 35, United States Code, §120 of any United States Application(s) or PCT International applications designating the United States of America listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or prior PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1,56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/GB97/02940

(PCT Int'l Appi'n Serial No.)

7 October 1997

(Filing Date)

(Status)

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, with full power of substitution and revocation:

<u>Name</u>

Daniel N. Lundeen

A.M. (Andy) Arismendi, Jr.

David B. Dickinson

Registration No.

31,177 31,715

47,525

ADDITIONAL JOINT INVENTOR(S) LISTED ON ATTACHED SHEET: 🖾 Yes 📋 No

Address Telephone Calls

and Correspondence to:

A.M. (Andy) Arismendi, Jr.

Lundeen & Arismendi, L.L.P. P.O. Box 131144 Houston, Texas 77219-1144

(713) 652-2555

We hereby declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST NAMED INVENTOR'S FULL NAME: David Fenne Date: 30TH MAY 200 FIRST NAMED INVENTOR'S SIGNATURE: CITIZËNSHIP: RESIDENCE ADDRESS: Beeches, Durley Brook Road, Durley Southhampton, Hampshire, \$032 2AR POST OFFICE ADDRESS: same as above

FIRST NAMED INVENTOR'S FULL NAME: Christopher Lack	
FIRST NAMED INVENTOR'S FULL NAME: Christopher Lack FIRST NAMED INVENTOR'S SIGNATURE:	Date: 30th May 200
CITIZENSHIP: UK /	J
RESIDENCE ADDRESS: 64 Woodham Park Road, Woodham Nr. Weybridge, Surrey, KT15 3SP	•
POST OFFICE ADDRESS: same as above	•

STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN	Docket Number (Optional) 34703-00006
Applicant Patentee, or identifier David Fenner, et al. Application or Patent No.: 09/269,518 Filedor Issued: April 2, 1999 Title: FAN ROTOR	
hereby state that I am the owner of the small business concern identified below: an official of the small business concern empowered to act on behalf of the concern	identified below:
NAMEOFSMALLBUSINESSCONCERN Elta Fans Limited	
ADDRESSOFSMALLBUSINESSCONCERN 15 Barnes Wallis Road, Segens East Industrial Estate, Fareham, Hants P0155BT	sworth
I hereby state that the above identified small business concern qualifies as a small bus 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Tradems to size standards for a small business concern may be directed to: Small Business Administ 409 Third Street, SW, Washington, DC 20416.	siness concern as defined in ark Office. Questions related tration, Size Standards Staff,
I hereby state that rights under contract or law have been conveyed to and remain with identified above with regard to the invention described in:	the small business concern
the specification filed herewith with title as listed above. the application identified above. the patent identified above.	
If the rights held by the above identified small business concern are not exclusive, organization having rights in the invention must file separate statements as to their status as to the invention are held by any person, other than the inventor, who would not qualify as an 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify a under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).	small entities, and no rights
Each person, concern, or organization having any rights in the invention is listed below.	•
Separate statements are required from each named person, concern or organization has stating their status as small entitles. (37 CFR 1.27)	<u>:</u>
I acknowledge the duty to file, in this application or patent, netification of any change in entitiement to small entity status prior to paying, or at the time of paying, the earliest of the isses fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.2)	n status resulting in loss of sue fee or any maintenance (8(b))
NAME OF PERSON SIGNINGDavid Peter Fenner	
TITLE OF PERSON IF OTHER THAN OWNER Engineering Director	
ADDRESS OF PERSON SIGNING Beeches, Durley Brook Road, Durley, S	Southampton
SIGNATURE David Peter Jennes, SO32 2AR U.K. DATE	DE E 00

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e Patent à Trademark Orné askacine ages de lipt et, and a imped fiereon ané date de gosipt et upe items et ested below lich were malled on: Appedi Notice Application: Cover Sheet Pagel Specification (pages Claims Inde Claims Inde Claims Abstract (pages) Total Claims Inde Claims Abstract (pages) Cath Declaration Sheets et Drawing(s) Formal Informal Informal Information Recordation Gover Sheet Specification (V w/ Power of Attorney Informa Disclosure Strat-Form 1445 (with references) Issue Fee Base/Balance (Tee for Advance Copyties) Letter (Charge Deposit Addount 501285/ Petition Power of Attorney Patition Pow		34103	.000	6	
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